

United States Code, as added by subsection (a), shall take effect on October 1, 2004.”

#### CHAPTER 54—COMMISSARY AND EXCHANGE BENEFITS

Sec.	
1061.	Survivors of certain Reserve and Guard members.
1062.	Certain former spouses.
1063.	Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60.
1064.	Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.

##### AMENDMENTS

2003—Pub. L. 108–136, div. A, title VI, §651(c), Nov. 24, 2003, 117 Stat. 1522, added items 1063 and 1064 and struck out former items 1063 “Use of commissary stores: members of Ready Reserve”, 1063a “Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency”, 1064 “Use of commissary stores: persons qualified for retired pay under chapter 1223 but under age 60”, and 1065 “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents”.

2002—Pub. L. 107–314, div. A, title III, §322(b)(2), Dec. 2, 2002, 116 Stat. 2510, inserted “or national emergency” after “disaster” in item 1063a.

2001—Pub. L. 107–107, div. A, title III, §331(d)(3), Dec. 28, 2001, 115 Stat. 1058, struck out “with at least 50 creditable points” after “Ready Reserve” in item 1063.

1998—Pub. L. 105–261, div. A, title III, §362(e), Oct. 17, 1998, 112 Stat. 1985, added items 1063, 1063a, and 1064 and struck out former items 1063 “Period for use of commissary stores: eligibility for members of the Ready Reserve” and 1064 “Use of commissary stores by certain members and former members”.

1996—Pub. L. 104–106, div. A, title III, §342(b), Feb. 10, 1996, 110 Stat. 266, substituted “Morale, welfare, and recreation retail facilities: use by members of reserve components and dependents” for “Use of certain morale, welfare, and recreation facilities by members of reserve components and dependents” in item 1065.

1992—Pub. L. 102–484, div. A, title III, §365(c)(2), Oct. 23, 1992, 106 Stat. 2382, substituted “eligibility for members of the Ready Reserve” for “eligibility attributable to active duty for training”.

1990—Pub. L. 101–510, div. A, title III, §321(d), Nov. 5, 1990, 104 Stat. 1528, added items 1064 and 1065.

#### § 1061. Survivors of certain Reserve and Guard members

(a) **BENEFITS.**—The Secretary of Defense shall prescribe regulations to allow dependents of members of the uniformed services described in subsection (b) to use commissary and exchange stores on the same basis as dependents of members of the uniformed services who die while on active duty for a period of more than 30 days.

(b) **COVERED DEPENDENTS.**—A dependent referred to in subsection (a) is a dependent of a member of a uniformed service who died—

(1) while on active duty, active duty for training, or inactive-duty training (regardless of the period of such duty); or

(2) while traveling to or from the place at which the member was to perform, or has performed, active duty, active duty for training, or inactive-duty training (regardless of the period of such duty).

(Added Pub. L. 100–370, §1(c)(1), July 19, 1988, 102 Stat. 841.)

##### HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 99–145, title III, §308, Nov. 8, 1985, 99 Stat. 618.

#### § 1062. Certain former spouses

The Secretary of Defense shall prescribe such regulations as may be necessary to provide that an unremarried former spouse described in subparagraph (F)(i) of section 1072(2) of this title is entitled to commissary and exchange privileges to the same extent and on the same basis as the surviving spouse of a retired member of the uniformed services.

(Added Pub. L. 100–370, §1(c)(1), July 19, 1988, 102 Stat. 841.)

##### HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 97–252, title X, §1005, Sept. 8, 1982, 96 Stat. 737.

#### § 1063. Use of commissary stores and MWR retail facilities: members of reserve components and reserve retirees under age 60

(a) **MEMBERS OF THE SELECTED RESERVE.**—A member of the Selected Reserve in good standing (as determined by the Secretary concerned) shall be permitted to use commissary stores and MWR retail facilities on the same basis as members on active duty.

(b) **MEMBERS OF READY RESERVE NOT IN SELECTED RESERVE.**—Subject to such regulations as the Secretary of Defense may prescribe, a member of the Ready Reserve (other than members of the Selected Reserve) may be permitted to use commissary stores and MWR retail facilities on the same basis as members serving on active duty.

(c) **RESERVE RETIREES UNDER AGE 60.**—A member or former member of a reserve component under 60 years of age who, but for age, would be eligible for retired pay under chapter 1223 of this title shall be permitted to use commissary stores and MWR retail facilities on the same basis as members of the armed forces entitled to retired pay under any other provision of law.

(d) **DEPENDENTS.**—(1) Dependents of a member who is permitted under subsection (a) or (b) to use commissary stores and MWR retail facilities shall be permitted to use stores and such facilities on the same basis as dependents of members on active duty.

(2) Dependents of a member who is permitted under subsection (c) to use commissary stores and MWR retail facilities shall be permitted to use stores and such facilities on the same basis as dependents of members of the armed forces entitled to retired pay under any other provision of law.

(e) **MWR RETAIL FACILITY DEFINED.**—In this section, the term “MWR retail facilities” means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

(Added Pub. L. 101–510, div. A, title III, §321(c), Nov. 5, 1990, 104 Stat. 1528, §1065; amended Pub. L. 104–106, div. A, title III, §342(a), Feb. 10, 1996, 110 Stat. 265; renumbered §1063 and amended Pub. L. 108–136, div. A, title VI, §651(a), (b)(4), (5), Nov. 24, 2003, 117 Stat. 1521, 1522.)